REMARKS

This Amendment is submitted in response to the Office Action dated March 13, 2002, having a shortened statutory period set to expire June 13, 2002. Claims 1-13, 16-18, 20-66, and 71-82 are pending. Applicants have amended Claims 1, 24, 26, 31, 42, 43, canceled Claims 19, and 67- 70, and added Claims 71-82 .

Specification

The specification has been amended on page 20, paragraph 2, to correct disclosure informalities. This amendment have been made for purposes of clarity and does not add any new matter to the specification. This application is related to other filed applications. Applicants have amended the specification to include such related applications.

Claims Objections

In Section 1 of the present Office Action, Claim 24 was objected because of an informality. This claim has been amended to correct such informality.

Claim Rejections under 35 U.S.C. § 112

In Section 3 of the present Office Action, Claims 42-45 have been rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Applicants have amended Claims 42 and 43 to correctly recite dependency on Claim 31 instead of Claim 21.

Claim Rejections under 35 U.S.C. § 102

In Section 5 of the present Office Action, Claims 67-70 are rejected under 35 U.S.C. 102(b) as being anticipated by *Camaisa et al.* (U.S. Patent No. 5,845,263). Claims 67-70 have been canceled and, therefore, this rejection is no longer applicable.

Claim Rejections under 35 U.S.C. § 103

In Section 8 of the present Office Action, Claims 1-9, 11-12, 14, 16-17, 20-28, 31-39, 41-42, 46, 48-49, 52-58, 60-62, and 64-66 are rejected under 35 U.S.C. 103(a) as being unpatentable over *QuikOrder Press Release* "QuikOrder" in view of Freeman et at. (U.S. Patent No. 6,068,183). Also, in Section 9 of the present Office Action, Claims 10, 13, 15, 18-19, 40, 43-45, 47, 50-51 and 63 are rejected under 35 U.S.C. 103(a) as being unpatentable over *QuikOrder Press Release* "QuikOrder" in view of *Freeman et al.* (U.S. Patent No. 6,068,183) in view of *Camaisa et al.* (U.S. Patent No. 5,845,263). Those rejections are respectfully traversed and reconsideration of the claims is requested.

As stated in paragraph F of *QuikOrder*, a customer's previous orders are stored on the server and then are presented to the customer as a list of prior orders when the customer re-visits the web site. As stated at column 3, lines 45-55 of *Freeman*, information stored in the integrated circuit 16 includes usage history information 30. Usage history 30 may include data described in prior uses of the card such as the location, time, and nature of such uses. As can be seen, both *QuikOrder* and *Freeman* only describe saving a user's order and use history. Neither reference describes storing a user's **preferences**.

Previous uses and orders are not the same thing as preferences, nor do they necessarily suggest user's preferences. Preferences imply an affirmative action by the user or customer to designate his or her preferences. For example, a customer may be on a special medically-required diet or may be entertaining guests when he makes the previous order. Such conditions would dictate the particular previous orders made by the user, not necessarily the user's preferences. Thus, an affirmative interaction to designate the user's preferences is required to enable a customized menu to be presented to the user. By failing to show affirmative preferences of the user, the references fail to show or suggest the preferred embodiment. By way of example, when the user encounters the system formed as a combination of *QuikOrder* and *Freeman* as suggested by the Examiner , the customer's "preferences," as is recited in the claims, are not retrieved--instead, history is retrieved. The suggested system would be incapable of presenting any menu food items that are caffeine-free,

for example, if such foods haven't been ordered before. Similarly, even if a caffeine-free food had been previously ordered, there is no suggestion in the references that other caffeine-free food items, which are available but not previously ordered, would be presented to the user.

Applicants respectfully submit that the novel and unobvious method of the present application presents a user with electronic food menu that takes into account the true "preferences" of the customer, and not just the customer's food history. Specifically, Applicants submit that the references, singly or in combination, do not show or suggest the following claim elements: *"comparing said plurality of food menu items with previously stored food preferences for a particular customer,"*and *"selecting a food menu wherein said plurality of food menu items that satisfy said food preferences for said particular customer are designated."* Consequently, Applicants respectfully submit that the method, system and program product of the present application is novel and unobvious to one of ordinary skill in the art, even in light of the suggested combination of references put forth in the present Office Action.

With respect to newly added Claims 71-73, neither *QuikOrder* nor *Freeman* nor *Camaisa* show or suggest *"designating those food menu items that do not meet said food preferences of the user"*.

With respect to newly added Claims 74-76, neither *QuikOrder* nor *Freeman* nor *Camaisa* show or suggest *"presenting a food menu, wherein said plurality of food menu items that are indicated to be avoided by said food preferences for said particular customer are designated, such that a customized electronic food menu is specified for a particular customer."*

With respect to newly added Claims 77-79, therein is recited that the food preferences *"includes health rating preferences for said particular customer."* As stated in the Specification of the present application on page 20, health rating preferences of a user may include alcohol, caffeine, heart smart meal, organic product, kosher preparation, protein, fat, or calorie preferences. As further explained in the Specification therein, and for example as shown in Figure 5 of the present

application, such personal health rating preferences of the user may be stored in the user's smart card. As explained above, neither *QuikOrder* nor *Freeman* show or suggest storing food preferences of the user. Still further, it is clear from the disclosures that neither reference shows or suggests storing specific **health rating preferences** of the user, such as caffeine intake or kosher preferences. Moreover, the *Camaisa* reference at column 3, lines 49-52 (as cited on page 8 of the present Office Action) discusses food and health identifiers within a particular food menu. As explained at column 3, lines 50-52, such information includes "ingredients, preparation, and nutritional content of the menu items." While such information does describe certain health related ingredients, etc. in the food items on the restaurant's menu, it does not identify menu items that meet a particular customer's preferences with regard to such health issues, thereby highlighting acceptable food items specific to a customer that may be reading the menu. Thus, a combination of the three cited references still can not suggest a method or system that identifies particular menu items that meet a user's designated preferences as previously stored within the personal storage device. On the other hand, the method and system as taught by the present application allows an electronic menu to be specified based on such health rating preferences of the user, without requiring the user to scroll through a multitude of menu items or prior order history that do not satisfy the user's personal needs and desires. Applicants submit that the cited references do not show or suggest that the food preferences *"includes health rating preferences for said particular customer."*

With respect to newly added Claims 80-82, neither *QuikOrder* nor *Freeman* nor *Camaisa* show or suggest wherein said food preferences includes attributes of specified allowable ingredients and specified avoided ingredients for said particular customer.

In Summary, Applicants respectfully request reconsideration and allowance of Claim 1 in light of the arguments above. For the same reasons as given above with respect to Claim 1, Applicants respectfully submit that the remaining rejected claims are also not shown or suggested by the references cited in the present Office Action, or any combination thereof, and that those claims should similarly be allowed. Moreover, Applicants respectfully submit that the newly added claims are also not shown or suggested by the references cited in the present Office Action, or any combination thereof, and that those claims should similarly be allowed.

No fee is believed to be required; however, in the event any additional fees are required, please charge any fee associated with an extension of time, as well as any other fee necessary to further the prosecution of this application to **IBM Corporation Deposit Account No. 09-0447.**

Respectfully submitted,

Craig J. Yudell
Registration No. 39,083
BRACEWELL & PATTERSON, L.L.P.
Suite 350, Lakewood on the Park
7600B North Capital of Texas Highway
Austin, Texas 78731
(512) 542.2127

ATTORNEY FOR APPLICANTS

REDACTED SPECIFICATION:

Please amend the specification as follows:

On page 1, paragraph 1, please add the following information identifying related patent applications:

Cross-Related Patent Applications

The present invention is related to the subject matter of the following commonly assigned, copending United States patent applications identified as application numbers: 09/465,999 and 09/466,051 . The content of the above-referenced applications is incorporated herein by reference.

On page 20, please replace paragraph 2 which is continued on page 21 with the following:

Food and health preferences of the user are also included in field 72. Ingredients to avoid field includes ingredients which the user does not want included. Preparation preferences field designates any preparation preferences that the user desires. [Ratings selection] Health rating preferences field includes multiple fields including alcohol preference, caffeine preference, heart smart meal preference, organic product preference, kosher preparation preference, protein preference, fat preference, calorie preference. Protein preference, fat preferences and calorie preference may be fields that are set by the user or alternatively may be set by a food monitoring program that controls the amount of protein, fat and calories that a user consumes daily.

REDACTED CLAIMS

Please amend the claims as follows:

1.   (Amended) A method for specifying an electronic food menu, said method comprising the steps of:

retrieving a plurality of food menu items from a data storage medium;

comparing said plurality of food menu items with previously stored food preferences for a particular customer; and

[selecting] presenting a food menu, wherein said plurality of food menu items that satisfy said food preferences for said particular customer are designated on said food menu, such that an electronic food menu is specified for a particular customer.

2.   (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

graphically displaying said selected food menu according to a output preference for said particular customer, such that the graphical representation of said selected food menu is provided to accommodate a display preference for said particular customer.

3.   (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying only said plurality of food menu items of said selected food menu that are designated.

4.   (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying said selected food menu in order from designated food menu items to non-designated food menu items.

5.   (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying said selected food menu, wherein said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer.

6.   (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a tactile-detectable graphical representation of said selected food menu, wherein said output preference for said particular customer designates a tactile-detectable graphical representation.

7.   (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a graphical representation of said selected food menu utilizing a particular font size, wherein said output preference for said particular customer designates said particular font size.

8.   (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a graphical representation of said selected food menu utilizing a particular language, wherein said output preference for said particular customer designates said particular language.

9.   (Unchanged) The method for specifying an electronic food menu according to claim 2, said step of graphically displaying said selected food menu further comprising the step of:

graphically displaying a graphical representation of said selected food menu wherein prices are displayed in a particular currency, wherein said output preference for said particular customer designates said particular currency.

10. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

transmitting auditory output of said selected food menu for said particular customer.

11. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

graphically printing said selected food menu for said particular customer.

12. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

graphically displaying said selected food menu according to a generic style sheet.

13. (Unchanged) The method for specifying an electronic food menu according to claim 1, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

receiving said plurality of food menu items via a wireless transmission medium.

14. (Unchanged) The method for specifying an electronic food menu according to claim 13, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

receiving said plurality of food menu items via a radio frequency transmission medium.

15. (Unchanged) The method for specifying an electronic food menu according to claim 13, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:

receiving said plurality of food menu items via an infrared connection.

14.   (Previously Canceled)

15.   (Previously Canceled)

16,   (Unchanged) The method for specifying an electronic food menu according to claim 1, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:
     receiving said plurality of food menu items in a data transmission protocol.

17.   (Unchanged) The method for specifying an electronic food menu according to claim 16, said step of receiving said plurality of food menu items in a data transmission protocol, further comprising the step of:
     transmitting said food menu items in an extensible mark-up language protocol.

18.   (Unchanged) The method for specifying an electronic food menu according to claim 1, said step of retrieving a plurality of food menu items from a data storage medium, further comprising the step of:
     accessing a plurality of food menu items from a database, wherein each of said plurality of food menu items comprises a plurality of food and health identifiers.

19.   (Canceled)

20.   (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:
     transmitting said previously stored food preferences for said particular customer to said data storage medium for storage.

21. (Unchanged) The method for specifying an electronic food menu according to claim 20, said step of transmitting said previously stored food preferences further comprising the step of:

determining electronic coupons to provide to a particular customer from said previously stored food preferences.

22. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the steps of:

receiving an order from said particular customer for food menu items from said selected food menu; and

transmitting said order to an order retrieval system.

23. (Unchanged) The method for specifying an electronic food menu according to claim 22, said method further comprising the step of:

confirming electronic payment for said order.

24. (Amended) The method for specifying an electronic food menu according to claim 22, said method further comprising the step of:

adjusting a waiting period for said order in accordance with [a] said food preferences for said particular customer.

25. (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

updating an electronic calendar with said designated food menu items that are specified in said food preferences for a particular time period.

26. (Amended) The method for specifying an electronic food menu according to claim 1, said step of retrieving said plurality of food menu items from said data storage medium further comprises the step of:

retrieving electronic coupons for said plurality of food menu items from said data storage medium.

27.   (Unchanged) The method for specifying an electronic food menu according to claim 26, said method further comprising the step of:

filtering said electronic coupons that are displayed to a particular customer according to said food preferences for said particular customer.

28.   (Unchanged) The method for specifying an electronic food menu according to claim 26, said method further comprising the step of:

updating an electronic calendar with said electronic coupons that are specified for a particular time period.

29.   (Unchanged) The method for specifying an electronic food menu according to claim 1, said method further comprising the steps of:

comparing said plurality of food menu items with a plurality of previously stored food preferences for a plurality of customers; and

selecting a food menu wherein said plurality of food menu items that satisfy said previously stored food preferences for said plurality of customers are distinguished, such that an electronic food menu is specified for said plurality of customers.

30.   (Unchanged) The method for specifying an electronic food menu according to claim 29, said method further comprising the step of:

retrieving electronic coupons that are specified for said plurality of customers.

31.   (Amended) A system for specifying an electronic food menu, said system comprising:

a data storage medium comprising a plurality of food menu items;

a data processing system with access to said data storage medium;

wherein said data processing system comprises:

a communications medium for retrieving said plurality of food menu items from said data storage medium;

means for comparing said plurality of food menu items with a plurality of previously stored food preferences for a particular customer;

means for [selecting] presenting a food menu wherein said plurality of food menu items that satisfy said previously stored food preferences for said particular customer are distinguished on said food menu, such that an electronic food menu is specified for a particular customer.

32. (Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

a graphical display monitor for displaying said selected food menu according to an output preference for said particular customer, such that the graphical representation of said food menu is provided to accommodate a display preference of said particular customer.

33. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor only displays said plurality of food menu items of said selected food menu that are designated.

34. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays said selected food menu items in order from designated food menu items to non-designated food menu items.

35. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays said specified food menu such that said plurality of food menu items that do not satisfy said previously stored food preferences for said particular customer are graphically distinguishable from said plurality of food menu items that do satisfy said food preferences for said particular customer.

36. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a tactile-detectable graphical representation of said selected food menu.

37. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a graphical representation of said selected food menu utilizing a particular font size.

38. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a graphical representation of said selected food menu utilizing a particular language.

39. (Unchanged) The system for specifying an electronic food menu according to claim 32, wherein said graphical display monitor displays a graphical representation of said selected food menu wherein said prices are depicted utilizing a particular currency.

40. (Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

an audio element for transmitting auditory output of said selected food menu for said particular customer.

41. (Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

a printing element for graphically printing said selected food menu for said particular customer.

42. (Amended) The system for specifying an electronic food menu according to claim [21] 31, said system further comprising:

a graphical display monitor for displaying a graphical representation of said selected food menu according to a generic style sheet.

43.   (Amended) The system for specifying an electronic food menu according to claim [21] 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a wireless communication element for receiving said plurality of food menu items via a wireless transmission medium.

44.   (Unchanged) The system for specifying an electronic food menu according to claim 43, wherein said wireless communication element supports communication via a radio frequency transmission.

45.   (Unchanged) The system for specifying an electronic food menu according to claim 43, wherein said wireless communication element supports communication via an infrared transmission.

46.   (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a network element for receiving said plurality of food menu items via a network connection.

47.   (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a socket interface for receiving said plurality of food menu items via a wired connection.

48.   (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said means for retrieving a plurality of food menu items from said data storage medium, further comprises:

a data transmission protocol for specifying data transmissions across said communications medium.

49. (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data transmission protocol is an extensible mark-up language protocol.

50. (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data storage medium further comprises:

a plurality of food menu items accessible from a database, wherein each of said plurality of food and health identifiers.

51. (Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

a local data storage medium comprising said previously stored food preferences for said particular customer, wherein said previously stored food preferences for a particular customer comprise a plurality of food and health ratings.

52. (Unchanged) The system for specifying an electronic food menu according to claim 31, said system further comprising:

means for transmitting said previously stored food preferences for said particular customer to said data storage medium.

53. (Unchanged) The system for specifying an electronic food menu according to claim 31, said data processing system further comprising:

a local data storage medium for storing said selected food menu, such that said selected food menu is recallable from said local data storage medium.

54. (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system comprises a pervasive data processing system.

55.   (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system transmits an order to an order queue of food menu items from said selected menu that are selected by said particular customer.

56.   (Unchanged) The system for specifying an electronic food menu according to claim 55, wherein said data processing system requests confirmation of an electronic payment for said order.

57.   (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system further comprises an electronic calendar that is updated with food menu items that are designated for a particular time period.

58.   (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data storage medium further comprises a plurality of electronic coupons for said plurality of food menu items.

59.   (Unchanged) The system for specifying an electronic food menu according to claim 31, wherein said data processing system further comprises:

means for comparing said plurality of food menu items with a plurality of previously stored food preferences for a plurality of customers; and

means for selecting a food menu wherein said plurality of food menu items that satisfy said previously stored food preferences for said plurality of customers are distinguished, such that an electronic food menu is specified for said plurality of customers.

60.   (Unchanged) A program, residing on a computer usable medium having computer readable program code means, said program comprising:

means for retrieving a plurality of food menu items from a data storage medium;

means for comparing said plurality of food menu items with previously stored food preferences for a particular customer; and

means for generating a food menu designating a selection of said plurality of food menu items that satisfy said previously stored food preferences for said particular customer.

61.   (Unchanged) The program according to claim 60, said program further comprising:

means for enabling a graphical display of said plurality of food menu items, wherein said plurality of food menu items that do not satisfy said previously stored preferences are graphically designated.

62.   (Unchanged) The program according to claim 60, said program further comprising:

means for enabling said graphical display of said generated food menu according to an output preference for said particular customer.

63.   (Unchanged) The program according to claim 60, said program further comprising:

means for enabling auditory output of said generated food menu for said particular customer.

64.   (Unchanged) The program according to claim 60, said program further comprising:

means for enabling tactile-detectable output of said generated food menu for said particular customer.

65.   (Unchanged) The program according to claim 60, said program further comprising:

means for transmitting said previously stored food preferences for said particular customer to said data storage medium.

66.   (Unchanged) The program according to claim 60, said program further comprising:

means for receiving an order from said particular customer of selected food menu items from among said selected food menu; and

means for transmitting said order to an order retrieval system.

67.   (Canceled)

68.   (Canceled)

69.   (Canceled)

70.   (Canceled)

71.   (Added) The method for specifying an electronic food menu according to claim 1, said method further comprising the step of:

        designating those food menu items that do not meet said food preferences.

72.   (Added) The system for specifying an electronic food menu according to claim 31, said system further comprising:

        means for designating those food menu items that do not meet said food preferences.

73.   (Added) The program according to claim 60, said program further comprising:

        means for designating those food menu items that do not meet said food preferences.

74.   (Added) A method for specifying an electronic food menu, said method comprising the steps of:

        retrieving a plurality of food menu items from a data storage medium;

        comparing said plurality of food menu items with previously stored food preferences for a particular customer; and

        presenting a food menu, wherein said plurality of food menu items that are indicated to be avoided by said food preferences for said particular customer are designated, such that a customized electronic food menu is specified for a particular customer.

75.   (Added) A system for specifying an electronic food menu, said system comprising:

        a data storage medium comprising a plurality of food menu items;

        a data processing system with access to said data storage medium;

wherein said data processing system comprises:

a communications medium for retrieving said plurality of food menu items from said data storage medium;

means for comparing said plurality of food menu items with a plurality of previously stored food preferences for a particular customer; and

means for presenting a food menu, wherein said plurality of food menu items that are indicated to be avoided by said previously stored food preferences for said particular customer are distiguished, such that a customized electronic food menu is specified for a particular customer.

76. (Added) A program, residing on a computer usable medium having computer readable program code means, said program comprising:

means for retrieving a plurality of food menu items from a data storage medium;

means for comparing said plurality of food menu items with previously stored food preferences for a particular customer; and

means for generating a food menu designating a selection of said plurality of food menu items indicated to be avoided by said previously stored food preferences for said particular customer.

77. (Added) The method for specifying an electronic food menu according to claim 1, wherein said food preferences includes health rating preferences for said particular customer.

78. (Added) The system for specifying an electronic food menu according to claim 31, wherein said food preferences includes health rating preferences for said particular customer.

79. (Added) The program according to claim 60, wherein said food preferences includes health rating preferences for said particular customer.

80.   (Added) The method for specifying an electronic food menu according to claim 1, wherein said food preferences includes attributes of specified allowable ingredients and specified avoided ingredients for said particular customer.

81.   (Added) The system for specifying an electronic food menu according to claim 31, wherein said food preferences includes attributes of specified allowable ingredients and specified avoided ingredients for said particular customer.

82.   (Added) The program according to claim 60, wherein said food preferences includes attributes of specified allowable ingredients and specified avoided ingredients for said particular customer.

Doc. ID No. 91508